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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fourth session

SUMMARY RECORD OF THE 1315th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 8 March 1999, at 3 p.m.

Chairman: Mr. ABOUL-NASR

later: Mr. YUTZIS

CONTENTS

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING MEASURES AND URGENT ACTION PROCEDURES (continued)

Yugoslavia (continued)

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Tenth and eleventh periodic reports of Italy

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The meeting was called to order at 3.10 p.m.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING MEASURES AND URGENT ACTION PROCEDURES (agenda item 3) (continued)

Yugoslavia (continued) (CERD/C/364)

1. At the invitation of the Chairman, the members of the delegation of Yugoslavia resumed their places at the Committee table.

2. Mr. DJORDJEVIC (Yugoslavia) said that the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia were firmly resolved to continue seeking a peaceful solution to the problems in the Autonomous Province of Kosovo and Metohija at the peace talks sponsored by the Contact Group, which were to be resumed in France in a few days' time. They would spare no effort to reach a political settlement on all outstanding issues.

3. Yugoslavia had participated in the drafting of the Geneva Conventions and their Additional Protocols and had incorporated them in its domestic legislation. However, the rules of international humanitarian law were not applicable to the situation in Kosovo and Metohija and certainly not to the activities of the so-called Kosovo Liberation Army (KLA), which was a terrorist organization and as such could not be accorded the legitimacy associated with application of the rules in question. Certain influential international actors were waging a relentless campaign against terrorists such as the Kurdish Workers' Party (PKK) and Osama bin Laden but supported the KLA which, according to reports by the Verification Mission of the Organization for Security and Cooperation in Europe (OSCE), was manifestly guilty of terrorist acts. Such an approach was counter-productive and offered support to forces that were opposed to dialogue and the search for a peaceful political solution.

4. There was no danger whatsoever of a spillover of the conflict into neighbouring countries. On the other hand, it was clear from statements by the United Nations Secretary-General and OSCE that northern Albania had become a terrorist stronghold from which well-armed and well-organized terrorists from all over the world entered Yugoslavia illegally in order to commit terrorist acts, mainly in Kosovo and Metohija.

5. He was unaware of any problems of freedom of movement. The cases mentioned by non-governmental organizations (NGOs) could probably be explained in terms of security risks. The Verification Mission, the Office of the United Nations High Commissioner for Refugees (UNHCR) and other international organizations were satisfied with their cooperation with the Yugoslav Government. The International Committee of the Red Cross (ICRC) was running courses for the Yugoslav police and armed forces in international humanitarian law. Some 2,000 OSCE verifiers and at least 3,000 representatives of international NGOs were given free access to all sites. They only ran into difficulties when they violated domestic legislation. A British subject, for example, who had entered Yugoslavia illegally from Albania, had been arrested and sentenced.

6. Mr. HODZA (Yugoslavia) said that, following the signing of the Memorandum of Understanding in 1996 between President Milosevic, the then President of Serbia, and Dr. Ibrahim Rugova, representing the ethnic Albanian population of Kosovo and Metohija, a nine-point education agreement had been drawn up. Pursuant to point 8, all public buildings used for elementary and secondary education had been handed over to pupils and students of Albanian origin with effect from March 1998. The curriculum in all such establishments was to be modelled on that used in other State schools. In accordance with the provisions of point 2 concerning higher education, the Albanology Institute in Pristina had been reopened and ethnic Albanian students and teachers had returned to the Engineering Faculty in the Technical University and the Law Faculty, the Economics Faculty and the Teacher Training College in Pristina University by 30 April 1998. Since 15 February 1999, courses in the Law Faculty and the Teacher Training College were being taught in the Albanian language. All in all, 90 per cent of the measures envisaged under the education agreement had been implemented. In terms of space, ethnic Albanian students and teachers occupied 36,000 square metres and Serbian and Turkish students and teachers 32,000 square metres. Ethnic Albanians had been provided with canteen facilities. With the assistance of the European Commission and the International Management Group (IMG), the facilities at Pristina University were to be redesigned and reconstructed. All costs relating to the maintenance of educational establishments were borne by the Ministry of Education of the Republic of Serbia.

7. The Romani language was taught only at the elementary level.

8. The idea that the population of Kosovo and Metohija was composed solely of Serbs and Albanians was a misconception. There were also Montenegrins, Turks, Roma, Goranies, Egyptians and many other ethnic groups. The Autonomous Province of Vojvodina was composed of 26 national minorities and had no problems whatsoever. It was a fine example of the fact that Yugoslavia was a multi-ethnic, multicultural and multireligious country. In Kosovo and Metohija, not all ethnic Albanians were in favour of separatism and terrorism but it was difficult to resist extremist pressure. They were prevented from exercising their rights under existing legislation and forced to join in the boycotting campaign. As they had not participated in the 1991 census, the existing population figures were unreliable. According to official estimates, there were between 600,000 and 800,000 non-Albanians and between 800,000 and 1 million ethnic Albanians in Kosovo and Metohija. There was no truth in the claim that 90 per cent of the population were ethnic Albanians. Those who advocated large-scale autonomy should ensure that all the minorities involved were taken into account. The Serbian delegation to the current talks in France reflected all components of the Autonomous Province of Kosovo and Metohija but the Albanian delegation was mono-ethnic and included terrorists.

9. With regard to NGO allegations of the use of torture to extract statements from detainees, Yugoslavia had discussed its initial report to the Committee against Torture (CAT/C/16/Add.7) at that Committee's previous session and would respond to questions raised on that occasion at the Committee's next session in April 1999.

10. Anti-terrorist measures taken by the police had been unjustifiably represented as posing a threat to human rights. With regard to the events in

the village of Racak on 15 January 1998, police officers had been sent to the village to arrest a terrorist group which had killed a policeman five days previously. The group had carried out eight terrorist assaults in two districts, kidnapping nine persons and killing an ethnic Albanian policeman. As the police had entered Racak, they had been attacked by terrorists using automatic weapons, hand grenades and mines. A police officer had been injured and a number of official vehicles had been damaged. The police had defended themselves and killed several dozen terrorists. There had been no civilians among the dead. Sometimes armed terrorists did not wear the KLA insignia so that they could move about more freely in the area. The police had seized automatic weapons, sniper rifles, ammunition, hand grenades and other matériel. The OSCE Verification Mission had been informed and had visited the site together with the examining magistrate from Pristina, but the investigation had been interrupted by gunfire from terrorists in the surrounding hills.

11. With regard to the incident in the village of Rogova on 29 January 1999, a large number of terrorists had attacked police officers as they had been searching for a group of terrorists who had killed a 22-year-old policeman the previous day. Twenty-four terrorist KLA members had been killed in the fighting. Yugoslav experts and experts from Finland, Belarus and the Russian Federation had carried out post-mortem examinations on those killed in both villages. Preliminary findings were available but the Finnish report had not yet been issued.

12. Ms. SCEPANOVIC (Yugoslavia) said that ethnic Albanians were free to take part in elections but did not do so because their leaders urged them to boycott the polls. The same applied to population censuses because an accurate census would show that ethnic Albanians accounted for a far smaller proportion of the population than was usually claimed.

13. In addition to Albanian-language programmes on State radio and television, there were 50 newspapers and periodicals in the Albanian language in Kosovo and Metohija, compared with only one daily newspaper in the Serbian language.

14. Terrorism was the chief impediment to a settlement of the current problems in Kosovo and Metohija. The ethnic Albanian leader Ibrahim Rugova was ostensibly in favour of achieving a settlement by non-violent means but he had never condemned violence, ethnic cleansing or the killing of civilians, police officers and members of the armed forces by terrorists. On the question of KLA participation in negotiations, she said that terrorism was not a form of political expression. Would any other country allow terrorists to join in negotiations on a peaceful settlement?

15. Yugoslavia's report was not one-sided. The truth was that power could not be imposed by force on the civilian population in Kosovo and Metohija.

16. There had been cases of humanitarian aid channels being used to supply terrorists with arms and matériel. In addition, it was common knowledge that humanitarian aid to Kosovo was reaching only Albanians and not Serbs.

Montenegrins, Turks or Muslims. The allegations that doctors had been maltreated were true: three doctors had been killed by the Albanians for refusing to join the KLA.

17. Journalists had been manipulated to give a false picture of human rights in Kosovo and Metohija. They did not report the actual activities of terrorist organizations but instead claimed that the terrorists were victims. The Albanian-language press was often the source of misinformation and promoted racial hatred and secession, yet no Albanian-language paper had been banned. One had closed because it had not met its financial obligations to its printers.

18. The Serbian approach was a multi-ethnic, multicultural and multireligious one, which aimed to protect all citizens on an equal footing and to create a normal, peaceful life for them. The separatist approach was one of ethnic purity in Kosovo and Metohija; extremist Albanian leaders sacrificed not only Serbs and Montenegrins but even Albanians who opposed them.

19. Mr. NOBEL said that it would be in the interests of the State party and of those suffering in Kosovo and elsewhere in the region to restore confidence. That would only be possible if all parties began respecting human rights, international humanitarian law and the rule of law. In any conflict there was nothing to prevent a civilized commander from making use of international humanitarian law in order to protect the wounded, prisoners and civilians. Anyone who had committed crimes should be brought to justice in accordance with the law.

20. Mr. HODZA (Yugoslavia) said that Yugoslavia was resolved to find a peaceful solution in Kosovo and Metohija.

21. The CHAIRMAN thanked the members of the delegation of Yugoslavia for their answers to the Committee's questions and expressed the hope that a speedy settlement could be found.

22. The delegation of Yugoslavia withdrew.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Tenth and eleventh periodic reports of Italy (CERD/C/317/Add.1)

23. At the invitation of the Chairman, Mr. Moreno, Mr. Citarella, Mr. Martello, Mr. Pierangelini and Mr. Ricci (Italy) took places at the Committee table.

24. Mr. MORENO (Italy) said that significant changes had taken place in his country's demographic composition in recent years. With the decline in the Italian birth rate, Italy's traditionally - and much publicized - generous social policies and the recent influx of, in particular, Kosovo Albanians and Kurds, as well as clandestine immigration from North Africa, Italian society was becoming progressively more multi-ethnic. Reactions to the growing numbers of non-European Union (EU) citizens had been mixed. The negative

reactions were neither discriminatory nor racist in nature, but were a response to the involvement of many illegal migrants in illicit activities such as drug trafficking and prostitution; their very entry to the country could in some cases be categorized as trafficking in human beings, particularly young women and children.

25. Despite the high unemployment rate, employers' and employees' associations alike were in favour of the reception, integration and regularization of clandestine migrants whose migration was due to exceptional political situations or extreme poverty in their own country. The Italian Government had therefore decided to undertake a radical review of its immigration and residence policy.

26. New legislation - Act No. 40, of 6 March 1998 (Act 40/98) and its implementing legislation - aimed to systematically regulate the large number of nationals of third countries, chiefly by establishing a policy of limited, planned and regulated legal entry; combating clandestine immigration and the criminal exploitation of migrant flows; and establishing effective integration procedures for new immigrants and aliens with legal residence in Italy. Among the main innovations under the new Act were the provisions of section IV, recognizing the right to family reunification, with emphasis on the protection of children. The Act also guaranteed the right to residence on humanitarian grounds and provided for a "social protection" residence permit, through specific provisions for more vulnerable groups. There were also provisions for job-seekers to become self-employed.

27. Under section V of the Act, aliens legally resident in Italy became eligible to a range of health, housing and social services. Language and vocational training courses also contributed to their social integration, and an advice centre for aliens and their families had been set up. The aim of the measures was to promote stable residence under the same conditions as those enjoyed by Italians. The Act also provided for the establishment of a Commission on integration policy, made up partly of representatives of migrants, to research and report on the problems of foreign residents from countries outside the European Union.

28. Articles 41 and 42 of the Act were of direct relevance to the Convention insofar as they introduced specific measures against discrimination on racial, ethnic, national or religious grounds. Article 41 gave a full definition of discrimination as distinction, exclusion, restriction or discrimination in the enjoyment of human rights and fundamental freedoms in all fields of public and private life. Even more important from the standpoint of action against racial discrimination was article 42, which provided for civil action in cases of discrimination, under a pa ticularly speedy and effective procedure whereby a foreigner claiming to be the victim of discrimination by a private person or public administration could address the judge directly, without the help of a lawyer, whereupon the judge could hand down a decision with immediate effect, ordering the suspension of the discriminatory act and its effects. Penalties included payment of compensation, mandatory implementation by an employer of a plan to eliminate discrimination and exclusion from public contracts. It was up to the defendant to show the absence of discrimination, an inversion of the burden of proof that would clearly facilitate legal recourse and the protection of the victim. Article 42 was thus a legal instrument of some

originality, not least because the approach, in addition to involving an expeditious, relatively informal procedure, was based on more than mere punishment, dealing with the consequences of the damage and, above all, restoring the status quo ante. Criminal and civil action were thus complementary in combating racism and xenophobia.

29. Specific sanctions against employers who practised discrimination included the withdrawal of State subsidies or temporary exclusion from tendering for public projects. In addition, certain major trade unions had been given the power to institute legal proceedings in cases of collective discrimination, even if workers' rights were not directly violated.

30. At the regional level, observation, information and legal advice centres had been set up to prevent discrimination against foreigners. The principle of access to low-cost housing or to priority waiting lists for public housing had also been established and a variety of housing solutions for foreigners had been devised.

31. A programme document on immigration policy, approved on 5 August 1998, provided for Italy's action at the international level, general guidelines for entry flows, and integration policies. Following the principles established by the document, and with a view to normalizing de facto situations, a Council of Ministers Directive dated 6 August 1998 provided for humanitarian residence permits to be issued to certain categories of foreigners, who could subsequently obtain residence permits of the kind provided for in the new legislation. In order to keep planning consistent with labour market requirements, integration policy and the numbers of aliens in Italy including those in an irregular situation, the document set aside part of the 1998 quota for foreign workers who could show that they had been resident in Italy since before the Act's entry into force and that they were employed or wished to become self-employed. The original quota for 1998 had been set at 38,000 but over 400,000 applications had been received and probably around 300,000 had now been regularized. In addition, de facto family reunifications could also be - and had been - regularized.

32. There had been a fall in the number of racist, xenophobic and anti-Semitic incidents during 1998. One serious incident, which had earned the opprobrium of public opinion, had occurred at a football match, when a group of fans had waved banners carrying anti-Semitic slogans. Proceedings would be taken against them. Acts of political intolerance or racist behaviour had led to 29 arrests, 22 searches and 128 complaints, thanks not only to police efforts but also to the effectiveness of the legislation against all forms of racial discrimination (Act No. 205 of 25 June 1993), which penalized the dissemination of ideas based on racial or ethnic hatred and incitement to commit acts of discrimination. Act No. 205 had also made it possible to prevent the establishment of racist organizations and to dissuade extremist groups from disseminating racist propaganda.

33. The Senate was currently examining a bill on the protection of linguistic and historical minorities, approved by the Chamber of Deputies on 17 June 1998. Its aim was to allow the culture of all linguistic groups to develop in harmony. Its main provisions covered: recognition and identification of minorities; the role of provinces and communes in

identifying areas inhabited by protected linguistic minorities; public teaching of minority languages and culture, including university initiatives to facilitate training; the possibility for local councillors to use protected languages during council and other local meetings in areas inhabited by linguistic minorities; the right to speak and write protected languages in local public administration offices and to use them in legal proceedings; public regional radio and television news and programmes in the protected languages; subsidies for private media and publishing in the protected languages; adoption of traditional local place names in addition to official names; and the adaptation of regional laws to the principles laid down in the bill, unless the regional laws already provided for more favourable conditions. The text was based on the Council of Europe's Framework Convention for the Protection of National Minorities, ratified by Italy in 1997. There was already a raft of laws in Italy guaranteeing the rights of members of different minorities; all regions home to minorities had introduced special legislation to protect and enhance their cultural and linguistic heritage.

34. Previous periodic reports had described the various legislative measures intended to protect the rights of members of nomad (Roma) minorities in Italy, some of them specifically designed to ensure their jurisdictional protection and access to education in view of their nomadic way of life, as a form of "affirmative action" to avoid the difficulties of applying local laws where they were prejudicial or inapplicable to nomads. Many regional laws also had specific clauses on the protection of Roma populations. A bill was now before the Senate on the protection of the right to a nomadic way of life and the recognition of Roma populations as a linguistic minority". Particularly noteworthy was the provision enabling non-EU Roma to claim the status of stateless persons under the terms of the 1954 Convention relating to the Status of Stateless Persons. The bill also provided for the creation of equipped sites and for special educational programmes for Roma children.

35. Bills to provide greater protection for the Slovene and Ladino minorities, specifically guaranteeing the use of their languages and addressing the issues of teaching, schools and protection of the cultural and artistic heritage were currently being debated by the Parliament. The bill on the Ladino minority had been adopted by the Chamber of Deputies in May 1998, and provided inter alia for the participation of a Ladino representative in local public bodies. Two recent legislative decrees contained provisions for Ladino radio and television programmes and protection of the Ladino minority in the province of Trento.

36. Statistical tables were available for consultation by the Committee. The delegation requested deferral of the deadline for submission of the next periodic report, due in March 1999.

37. Italy had been overwhelmed by an influx of non-EU nationals as a result of the dramatic situations in the former Yugoslavia and Albania, and the Kurdish problem in Turkey. An increasing number of citizens from North African countries continued to arrive for work, many of them illegally. The Government was systematically concluding agreements with all the countries of the Mediterranean Basin, particularly developing countries, to help with economic development and job creation so as to obviate the need for them to

export labour; it was the key to its cooperation policy. Special procedures and reception centres had been set up to respond to the needs of individuals who came to seek work and to improve their prospects; they should be respected for their choice and receive the same treatment as political refugees.

38. Mr. DIACONU (Country Rapporteur) welcomed the large and representative delegation from Italy and the report which bore testimony to Italy's regular dialogue with the Committee. He appreciated the additional information provided orally, especially on Act 40/98.

39. Italy's position vis-à-vis the Convention was somewhat complex; it accorded special constitutional status to certain ethnic and linguistic minorities and had been confronted with massive immigration from southern Mediterranean and eastern European countries, in addition to the influx of refugees from Albania and the former Yugoslavia. Italy's policies clearly aimed to eliminate racial discrimination, and its legislation fulfilled most of the requirements of the Convention, but the report, which was an update, did not do full justice to the complexity of the situation. It contained no statistics on the German-speaking, French-speaking Ladino, Slovene or other minorities, nor on the Roma or immigrants from African countries, Eastern Europe, Albania and the former Yugoslavia. How many were there? How many Roma originated in Italy and how many had migrated from other countries? If Italy had become or intended to become a party to the European Framework Convention for the Protection of National Minorities, to which minorities did it intend applying its provisions? Did Italy distinguish between "historical and linguistic" minorities and "national" minorities, which appeared separately in its legislation? According to some sources, the general bill on minorities had been under discussion for over 15 years; could the delegation indicate what stage it had reached? The same sources claimed that a law on minorities had been adopted by the Chamber of Deputies in June 1998 only after the list of minorities to be protected, which had originally included the Roma and the Sinti, had been deleted; why did that law, now before the Senate, not recognize the Roma as a minority and how were their rights protected?

40. He noted with interest the amendments to legislation on immigration controls to improve the exercise of illegal immigrants' rights, to simplify family reunification, and to subject decisions on expulsion to criteria more in conformity with international treaties. Another important development was the regularization of the situation of as many as 300,000 aliens already in Italy, facilitating their access to work, and to social and health services, protection by law, and gradual integration into Italian society.

41. With reference to the information provided in paragraph 6 of the report, the Human Rights Committee in its August 1998 report, had expressed concern at the increase in incidents of racial intolerance and had noted slow progress in action to combat racial discrimination, recommending that Italy should take all necessary steps. In its 1995 report, the Committee on the Rights of the Child had in turn underlined the need to take measures to prevent a rise in discriminatory attitudes and prejudices towards particularly vulnerable children, including Roma and foreign children. NGOs cited attacks against foreigners in several Italian cities; although the perpetrators had in some cases been severely punished, the authorities had not recognized the racist

character of certain attacks. As the report under consideration had been submitted prior to the examination by the Human Rights Committee of the report by Italy, it was important for the delegation to present its assessment of the current situation, in the light of that Committee's conclusions and of the fact that certain acts of racial violence had occurred in the years 1997 to 1998.

42. On the subject of article 3, the Committee could concur that the Italian Government had always outspokenly condemned any form of racial segregation; however, might the measures taken with regard to the Roma ethnic group - whether Italian citizens, long-term residents or immigrants from the former Yugoslavia and other countries - not lead to de facto segregation? According to NGO reports all Roma were treated as "nomads" and placed in camps situated far from towns, sometimes in difficult conditions, which led to their marginalization and their separation from the majority of the population. The Rome City Council had allegedly provided 70 families with a site badly contaminated with chemical waste. Clarification of such claims would be appreciated. Were all Roma in fact nomads? What were the consequences of life in the camps for the exercise of human rights.

43. The implementation of article 4 through decree-law No. 122/93 showed that a democratic country could prohibit the spread of ideas based on racism and punish racist organizations and their members while preserving freedom of expression and democracy. The law forbade even the display of racist symbols at public meetings and sporting events and increased the powers of law-enforcement agencies. As in other countries, the implementation of provisions regarding article 4 raised many difficulties. The murderer of a young Moroccan had been sentenced to 22 years in prison; and a man and his mother, members of a criminal association promoting ethnic, national and racial hatred, and guilty of attacks against the property of foreigners and of spreading literature attacking persons of colour had been arrested. At the same time, in many cases, the authorities denied the racial motivation of such acts and therefore failed to apply the harsher sentences provided for in law (in the case of the young Moroccan, the motive for the crime was given as "amusement"); the statistics were thus distorted. Various NGO reports also mentioned racially-motivated acts of violence against the Roma. Xenophobia and manifestations of racism were observed particularly in northern areas dominated by the Lega Nord (Northern League) party, whose own Secretary-General had stated that immigrants were a constant danger for the security of Italian citizens, although that remark had been made within the context of a crime committed against two Italian girls by a Macedonian. Another party, the Alleanza nazionale, spoke out against multinational society and cultural pluralism, and had launched a campaign to close immigrant centres in Bologna as being "risk factors" for the local community. Similarly, the Movimento sociale italiano, considered a Fascist organization, had reportedly organized a series of raids on the African population near Turin, where the police had allegedly failed to intervene. What was the Government's attitude, and what measures did it intend to take to strengthen the application of the law by judicial bodies and the police, since the law itself did offer an adequate basis for such action?

44. Italy had taken many measures to ensure the implementation of article 5, but difficulties had arisen with regard to clandestine foreign workers;

regularization of their residence in Italy was therefore the best solution to enable them benefit from the protection of the law. The report gave details of the measures taken regarding the entry, stay and expulsion of foreigners and their protection as workers, but in the case of clandestine workers such protection was not always provided in practice - hence NGO reports that when a firework factory near Naples had exploded causing one death and several injuries, all immigrants among the survivors who had complained to the police had immediately been presented with deportation orders and no other action had been taken. The new law on aliens appeared to be a positive step, particularly with regard to discrimination in the labour market, and the Committee awaited details of its application with interest.

45. The decision to allow non-EU workers leaving Italy to claim back their social security payments with interest at 5 per cent per year (para. 48) was one measure of justice to foreign workers, an initiative not previously encountered by the Committee in any other EU country. The innovations introduced by the National Institute for Social Security in 1996 to provide better guarantees for foreign workers were another welcome development.

46. The report contained no references to the implementation of article 6, regarding effective protection and remedies before the courts and State bodies. NGO reports cited several cases of violence by the police against persons of colour and Roma, including frequent raids on Roma camps, an incident at Rome airport involving a Ghanaian citizen resident in Denmark, and discriminatory acts against Roma and other detainees. The Human Rights Committee and the Committee against Torture had noted the inadequacy of sanctions against police and prison officers, and the latter had noted a dangerous trend towards some racism, since victims were either from foreign countries or belonged to minorities. The Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had also noted that foreigners were at considerable risk of maltreatment in prison, had asked for an independent enquiry into the treatment of detainees in Milan, and had recommended that the Government ensure better training of prison guards, underlining the rights of detainees. There were also cases where legal proceedings for racially-motivated violence had either been adjourned or never been instituted. Could the delegation provided statistics on prisoners by ethnic group?

47. On article 7 and with reference to paragraphs 49-52 of the report, he requested data on the number of schools and pupils for each minority and ethnic group and the curricula in those schools. Although there were long-standing obligations towards the Slovenian minority, protection had not reached levels envisaged in the Italo-Yugoslav Ossimo Accord of 1975 or in Italian basic law. The Human Rights Committee had referred to protection of the rights of the Slovenian minority in its recommendations to Italy. Could more details be provided? Mr. Moreno had mentioned separate laws for each minority - why was that necessary? Evidently their situations were different, but separate laws were time-consuming to produce and could lead to different treatment for different minorities, and hence to discrimination.

48. It might be advisable, as recommended by the European Commission against Racism and Intolerance (ECRI), for Italy to establish a specialized independent body with significant responsibility for combating racial

discrimination. Italy had a wealth of legislation, and progress could be seen on implementation, but there were still problem areas requiring clarification and resolution.

49. Mr. SHERIFIS said that Italy's reporting record, despatch of a high-level delegation and response to issues raised previously by the Committee testified to its intention of continuing a substantive dialogue with the Committee. Despite the substantial increase in the number of foreigners entering Italy, there appeared to be considerable improvement in the State party's compliance with the Convention.

50. Referring to paragraph 2 of the report, he asked whether non-governmental organizations (NGOs) participated in the drafting of Italy's periodic reports. If not, could they contribute their input in another manner?

51. Concerning implementation of article 2 of the Convention, in the light of the recent influx of non-EU citizens into Italy, he inquired whether consideration had been given to establishing a post of ombudsman on racial discrimination, as had been done in many other countries.

52. Regarding implementation of article 3, he said that the positive position of the Italian Government on racial discrimination was well known, but that did not rule out covert segregation as an unintentional by-product of the actions of private persons. For that reason, the Committee had adopted its General Recommendation XIX on article 3, pointing out that racial segregation could also arise without any initiative or direct involvement by the public authorities and inviting States parties to monitor all trends which could give rise to racial segregation, to work for the eradication of any negative consequences that ensued and to describe any such action in their periodic reports.

53. Turning to implementation of article 4, he said that Decree-Law 122 of 26 April 1993 brought Italian legislation into line with the requirements of both article 4 (b) and article 2.1.(d). Had the "remarkable results" brought about by the introduction into the legal system of specific rules to eradicate all forms of racial, ethnic and religious discrimination, referred to in paragraph 18, been borne out over the previous 12 months?

54. On implementation of article 5, he noted that non-EU workers who had left Italy were to be allowed to request the payment of their social security contributions, increased by 5 per cent yearly, (para. 48). It was to be hoped that that laudable initiative would serve as a model to all countries, both in Europe and elsewhere.

55. In connection with article 7, he commended Italy for enshrining in its Constitution the principle whereby schools were open to Italian and foreign citizens alike (para. 50); there again, such a practice should be emulated in other countries.

56. In 1993, the Committee had adopted General Recommendation No. XVII on the establishment of national institutions or commissions to facilitate the implementation of the Convention. Would the Italian Government consider establishing such a national institution?

57. Had Italy initiated procedures to ratify the amendment to article 8 (6) of the Convention on financing the Committee? If not, he hoped that the Italian Government would consider doing so.

58. Credit was due to Italy for having been one of the first States parties to make the declaration under article 14. Had the Italian Government made a sufficient effort to publicize the existence of the individual petition procedure? For such a declaration to be effective, people who might avail themselves of it must know about it. Did Italy publicize the periodic reports which it submitted to the Committee and the Committee's concluding observations?

59. Mr. FERRERO COSTA agreed with the Country Rapporteur on the need for information on the population of foreigners and immigrants in Italy, recalling the Committee's previous request for up-to-date data on the composition of the population, on the "social indicators" of non-integration of the least favoured social groups of the population, on migratory flows and on the number of foreigners expelled.

60. The written report gave the impression that there were three categories of foreigners in Italy - nationals of EU member countries, people from non-EU European countries, such as Albania, in respect of whom there was apparently special legislation, and all other foreigners. He pointed out in that connection that there could be no discrimination between different categories of foreigners on the basis of their national origin or racial group. He asked the Italian delegation to comment.

61. Paragraph 42 (a) referred only to the "difficult problems" associated with non-EU migrants, whereas there was nothing about their rights. That statement ran counter to the spirit of the Convention and suggested the presence of prejudice. Paragraph 42 (b) spoke of the planning of migration flows. How did Italy intend to introduce such quotas in a non-discriminatory fashion?

62. Act 40/98 on the social integration of foreigners, described in the oral introduction, was a positive initiative. How did the Italian Government put such integration into practice?

63. According to paragraph 5 of the report, a commissioner had been appointed for migration from non-EU countries. Had the commissioner already begun work? What machinery specifically addressed the status and integration of foreigners in Italy?

64. Two areas of concern had not been taken up adequately in the report. One was that of the local police, referred to only generally in paragraph 7. There had been a number of reports from NGOs alleging racially motivated ill-treatment of detained foreigners. In the past, the Committee against Torture had noted that the majority of victims of ill-treatment in Italian prisons were either from certain foreign countries or belonged to minorities, and had expressed its concern about a dangerous trend towards racism. According to the Anti-Semitism World Report 1997, there had been reports of police abuse, a high proportion of which had involved non-EU immigrants (mostly Africans) and Roma. The Human Rights Committee, the Council of Europe's Committee for the Prevention of Torture and Amnesty International had

raised similar questions. He asked whether the allegations were true and, if so, what steps had been taken to punish police officers who had committed such acts and what preventive measures were envisaged.

65. The second area of concern not discussed adequately in the report had to do with acts of violence committed by xenophobic groups. The Anti-Semitism World Report 1997 had reported on football matches at which fans hurled racist insults at black players and fans of opposing teams. Sometimes such incidents had erupted into violence, which had often been incited by groups of skinheads. In April 1997, two skinheads dressed in the costumes of the Ku Klux Klan had hoisted a black puppet figure bearing the words "Negro go away" and directed at a member of the Verona football team. According to the Written Comments of the European Roma Rights Center Concerning Italy, as recently as 9 February 1999 an Italian television programme had filmed a deputy of the Northern League party carrying out what he had proclaimed was an act of "ethnic cleansing", spraying disinfectant on the "affected" parts of a train compartment in which two African women had been seated. A week later, on the same television show, Senator and Northern League leader Umberto Bossi had refused to apologize in the name of his party for the "spraying" incident. What was the current situation with regard to the problem of skinheads, and what was the Italian Government doing to deal with xenophobic incidents in general? Were there laws to address the issue, and how were they being applied? He reminded the Italian delegation of the Committee's previous recommendation that the Italian authorities should urgently take more effective measures to curb racial violence and xenophobia in all their forms; that concern had not yet been met fully in the eleventh periodic report or the oral presentation.

66. In closing, he asked the Italian delegation to comment on the key areas in Italy identified by the Council of Europe's European Commission against Racism and Intolerance as meriting particular attention, namely the need for more awareness-raising to combat intolerance, especially among young people, for a prompt and adequate response on the part of the judicial authorities in cases of violent manifestations of racism and xenophobia, especially by law enforcement officers, and for more reliable and efficient implementation of the legislation against racism and intolerance, the possibility of setting up a specialized body to combat racism and intolerance, and collaboration between the State, voluntary organizations and NGOs on policies concerning assistance to immigrants.

The meeting rose at 6 p.m.